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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,491	09/23/2003	Mark Gary Weinberg	CL1916 US NA	2271
23906 7590 07/26/2007 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			EXAMINER FEELY, MICHAEL J	
			ART UNIT 1712	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/668,491

Applicant(s)

WEINBERG ET AL.

Examiner

Michael J. Feely

Art Unit

1712

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see continuation. (See 37 CFR 1.116 and 41.33(a)).

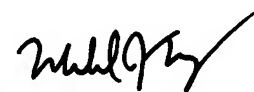
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 29-49.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Michael J. Feely
Primary Examiner
Art Unit: 1712

(a) The language of claim 30 is now inconsistent with the instant specification. The specification discloses a first polymer and a functional second polymer (see page 5, lines 20-32; page 7, lines 14-32), and the claims disclose a function first polymer and a second polymer. Although the ranges are properly aligned, the inconsistency with the specification would warrant an objection to either the claims or the specification.

Furthermore, the language of claim 29 uses both "a polymer component consisting of" and "said polymer component comprising". The use of both closed and open transitional language is improper and indefinite.

Lastly, "perfluorovinyl ether radicals" must be added to claim 30 to provide antecedent basis for claims 41 & 42 (see section 10 of the final office action).

Pleas note the following claim suggestions:

29. A spin mixture comprising a spin agent and a polymer component, said polymer component consisting of: an optional first polymer and a second polymer; 0 to 95% by weight of said first polymer; and 5 to 100% by weight of said second polymer; wherein said first polymer is selected from the group consisting of polyethylene and polyethylene terephthalate; wherein said second polymer is a functional polymer selected from the group consisting of polyethylene having 1 to 25 mol% of pendant functional groups and polyethylene terephthalate having 1 to 25 mol% of pendant functional groups; and wherein said pendant functional groups are selected from the group consisting of fluorocarbon radicals and oxyethylene radicals.

30. A spin mixture comprising a spin agent and a polymer component, said polymer component consisting of: an optional first polymer and a second polymer; 0 to 95% by weight of said first polymer; and 5 to 100% by weight of said second polymer; wherein said first polymer is selected from the group consisting of polyolefins, copolymers of polyolefins and ethylenically unsaturated monomers, polyesters, and mixtures thereof; wherein said second polymer is a functional polymer selected from the group consisting of polyolefins having 1 to 25 mol% of pendant functional groups, copolymers of polyolefins and ethylenically unsaturated monomers having 1 to 25 mol% of pendant functional groups, polyesters having 1 to 25 mol% of pendant functional groups, and mixtures thereof; and wherein said pendant functional groups are selected from the group consisting of fluorocarbon radicals, perfluorovinyl ether radicals, vinyl silane radicals, and oxyethylene radicals.

32. The spin mixture of claim 30 wherein said polymer component consists of 70 to 95% by weight of said first polymer and 5 to 30% by weight of said second polymer.

35. The spin mixture of claim 30 wherein the second polymer is polyethylene terephthalate having 1 to 25 mol% of pendant functional groups.

36. The spin mixture of claim 30 wherein the second polymer is polyethylene having 1 to 25 mol% of pendant functional groups.

45. The spin mixture of claim 30 wherein the second polymer is a functional polymer selected from the group consisting of polyolefins having 5 to 15 mol% of pendant functional groups, copolymers of polyolefins and ethylenically unsaturated monomers having 5 to 15 mol% of pendant functional groups, polyesters having 5 to 15 mol% of pendant functional groups, and mixtures thereof.